



House of Representatives

General Assembly

File No. 493

February Session, 2012

Substitute House Bill No. 5528

House of Representatives, April 17, 2012

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHANGES TO THE PUBLIC FINANCING ACT AND OTHER ELECTION LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-601 of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 As used in this chapter and chapter 157 and sections 16, 17 and 18 of
5 this act:

6 (1) "Committee" means a party committee, political committee or a
7 candidate committee organized, as the case may be, for a single
8 primary, election or referendum, or for ongoing political activities, to
9 aid or promote the success or defeat of any political party, any one or
10 more candidates for public office or the position of town committee
11 member or any referendum question.

12 (2) "Party committee" means a state central committee or a town

13 committee. "Party committee" does not mean a party-affiliated or
14 district, ward or borough committee which receives all of its funds
15 from the state central committee of its party or from a single town
16 committee with the same party affiliation. Any such committee so
17 funded shall be construed to be a part of its state central or town
18 committee for purposes of this chapter and chapter 157.

19 (3) "Political committee" means (A) a committee organized by a
20 business entity or organization, (B) persons other than individuals, or
21 two or more individuals organized or acting jointly conducting their
22 activities in or outside the state, (C) an exploratory committee, (D) a
23 committee established by or on behalf of a slate of candidates in a
24 primary for the office of justice of the peace, but does not mean a
25 candidate committee or a party committee, (E) a legislative caucus
26 committee, or (F) a legislative leadership committee.

27 (4) "Candidate committee" means any committee designated by a
28 single candidate, or established with the consent, authorization or
29 cooperation of a candidate, for the purpose of a single primary or
30 election and to aid or promote such candidate's candidacy alone for a
31 particular public office or the position of town committee member, but
32 does not mean a political committee or a party committee. For
33 purposes of this chapter, "candidate committee" includes candidate
34 committees for participating and nonparticipating candidates, unless
35 the context of a provision clearly indicates otherwise.

36 (5) "Exploratory committee" means a committee established by a
37 candidate for a single primary or election (A) to determine whether to
38 seek nomination or election to (i) the General Assembly, (ii) a state
39 office, as defined in subsection (e) of section 9-610, or (iii) any other
40 public office, and (B) if applicable, to aid or promote such candidate's
41 candidacy for nomination to the General Assembly or any such state
42 office.

43 (6) "National committee" means the organization which according to
44 the bylaws of a political party is responsible for the day-to-day
45 operation of the party at the national level.

46 (7) "Organization" means all labor organizations, (A) as defined in
47 the Labor-Management Reporting and Disclosure Act of 1959, as from
48 time to time amended, or (B) as defined in subdivision (9) of section
49 31-101, employee organizations as defined in subsection (d) of section
50 5-270 and subdivision (6) of section 7-467, bargaining representative
51 organizations for teachers, any local, state or national organization, to
52 which a labor organization pays membership or per capita fees, based
53 upon its affiliation or membership, and trade or professional
54 associations which receive their funds exclusively from membership
55 dues, whether organized in or outside of this state, but does not mean
56 a candidate committee, party committee or a political committee.

57 (8) "Business entity" means the following, whether organized in or
58 outside of this state: Stock corporations, banks, insurance companies,
59 business associations, bankers associations, insurance associations,
60 trade or professional associations which receive funds from
61 membership dues and other sources, partnerships, joint ventures,
62 private foundations, as defined in Section 509 of the Internal Revenue
63 Code of 1986, or any subsequent corresponding internal revenue code
64 of the United States, as from time to time amended; trusts or estates;
65 corporations organized under sections 38a-175 to 38a-192, inclusive,
66 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, and
67 chapters 594 to 597, inclusive; cooperatives, and any other association,
68 organization or entity which is engaged in the operation of a business
69 or profit-making activity; but does not include professional service
70 corporations organized under chapter 594a and owned by a single
71 individual, nonstock corporations which are not engaged in business
72 or profit-making activity, organizations, as defined in subdivision (7)
73 of this section, candidate committees, party committees and political
74 committees as defined in this section. For purposes of this chapter,
75 corporations which are component members of a controlled group of
76 corporations, as those terms are defined in Section 1563 of the Internal
77 Revenue Code of 1986, or any subsequent corresponding internal
78 revenue code of the United States, as from time to time amended, shall
79 be deemed to be one corporation.

80 (9) "Individual" means a human being, a sole proprietorship, or a
81 professional service corporation organized under chapter 594a and
82 owned by a single human being.

83 (10) "Person" means an individual, committee, firm, partnership,
84 organization, association, syndicate, company trust, corporation,
85 limited liability company or any other legal entity of any kind but does
86 not mean the state or any political or administrative subdivision of the
87 state.

88 (11) "Candidate" means an individual who seeks nomination for
89 election or election to public office whether or not such individual is
90 elected, and for the purposes of this chapter and chapter 157, an
91 individual shall be deemed to seek nomination for election or election
92 if such individual has (A) been endorsed by a party or become eligible
93 for a position on the ballot at an election or primary, or (B) solicited or
94 received contributions, made expenditures or given such individual's
95 consent to any other person to solicit or receive contributions or make
96 expenditures with the intent to bring about such individual's
97 nomination for election or election to any such office. "Candidate" also
98 means a slate of candidates which is to appear on the ballot in a
99 primary for the office of justice of the peace. For the purposes of
100 sections 9-600 to 9-610, inclusive, and section 9-621, as amended by this
101 act, "candidate" also means an individual who is a candidate in a
102 primary for town committee members.

103 (12) ["Campaign treasurer"] "Treasurer" means the individual
104 appointed by a candidate or by the chairperson of a party committee
105 or a political committee to receive and disburse funds on behalf of the
106 candidate or committee.

107 (13) "Deputy [campaign] treasurer" means the individual appointed
108 by the candidate or by the chairperson of a committee to serve in the
109 capacity of the [campaign] treasurer if the [campaign] treasurer is
110 unable to perform the [campaign] treasurer's duties.

111 (14) "Solicitor" means an individual appointed by a [campaign]

112 treasurer of a committee to receive, but not to disburse, funds on
113 behalf of the committee.

114 (15) "Referendum question" means a question to be voted upon at
115 any election or referendum, including a proposed constitutional
116 amendment.

117 (16) "Lobbyist" means a lobbyist, as defined in section 1-91, and
118 "communicator lobbyist" means a communicator lobbyist, as defined
119 in section 1-91, and "client lobbyist" means a client lobbyist, as defined
120 in section 1-91.

121 (17) "Business with which he is associated" means any business in
122 which the contributor is a director, officer, owner, limited or general
123 partner or holder of stock constituting five per cent or more of the total
124 outstanding stock of any class. Officer refers only to the president,
125 executive or senior vice-president or treasurer of such business.

126 (18) "Agent" means a person authorized to act for or in place of
127 another.

128 (19) "Entity" means the following, whether organized in this or any
129 other state: An organization, corporation, whether for-profit or not-for-
130 profit, cooperative association, limited partnership, professional
131 association, limited liability company [,] and limited liability
132 partnership, including a client lobbyist, as defined in section 1-91.

133 (20) "Federal account" means a depository account that is subject to
134 the disclosure and contribution limits provided under the Federal
135 Election Campaign Act of 1971, as amended from time to time.

136 (21) "Public funds" means funds belonging to, or under the control
137 of, the state or a political subdivision of the state.

138 (22) "Legislative caucus committee" means a committee established
139 under subdivision (2) of subsection (e) of section 9-605 by the majority
140 of the members of a political party who are also state representatives
141 or state senators.

142 (23) "Legislative leadership committee" means a committee
143 established under subdivision (3) of subsection (e) of section 9-605 by a
144 leader of the General Assembly.

145 (24) "Immediate family" means the spouse or a dependent child of
146 an individual.

147 (25) "Organization expenditure" means an expenditure by a party
148 committee, legislative caucus committee or legislative leadership
149 committee for the benefit of a candidate or candidate committee for:

150 (A) The preparation, display or mailing or other distribution of a
151 party candidate listing. As used in this subparagraph, "party candidate
152 listing" means any communication that meets the following criteria: (i)
153 The communication lists the name or names of candidates for election
154 to public office, (ii) the communication is distributed through public
155 advertising such as broadcast stations, cable television, newspapers or
156 similar media, or through direct mail, telephone, electronic mail,
157 publicly accessible sites on the Internet or personal delivery, [(iii) the
158 treatment of all candidates in the communication is substantially
159 similar, and (iv)] and (iii) the content of the communication is limited
160 to (I) for each such candidate, identifying information, including
161 photographs, the office sought, the office currently held by the
162 candidate, if any, the party enrollment of the candidate, a brief
163 statement concerning the candidate's positions, philosophy, goals,
164 accomplishments or biography and the positions, philosophy, goals or
165 accomplishments of the candidate's party, (II) information concerning
166 how each such candidate contrasts with such candidate's opponent, if
167 any, (III) encouragement to vote for each such candidate, [and (III)] or
168 (IV) information concerning voting, including voting hours and
169 locations;

170 (B) A document in printed or electronic form, including a party
171 platform, a copy of an issue paper, information pertaining to the
172 requirements of this title, a list of registered voters and voter
173 identification information, which document is created or maintained
174 by a party committee, legislative caucus committee or legislative

175 leadership committee for the general purposes of party or caucus
176 building and is provided (i) to a candidate who is a member of the
177 party that has established such party committee, or (ii) to a candidate
178 who is a member of the party of the caucus or leader who has
179 established such legislative caucus committee or legislative leadership
180 committee, whichever is applicable;

181 (C) A campaign event at which a candidate or candidates are
182 present; or

183 (D) The retention of the services of an advisor to provide assistance
184 relating to campaign organization, financing, accounting, strategy, law
185 or media. [; or]

186 [(E) The use of offices, telephones, computers and similar
187 equipment which does not result in additional cost to the party
188 committee, legislative caucus committee or legislative leadership
189 committee.]

190 (26) "Solicit" means (A) requesting that a contribution be made, (B)
191 participating in any fund-raising activities for a candidate committee,
192 exploratory committee, political committee or party committee,
193 including, but not limited to, forwarding tickets to potential
194 contributors, receiving contributions for transmission to any such
195 committee or bundling contributions, (C) serving as chairperson,
196 treasurer or deputy treasurer of any such committee, or (D)
197 establishing a political committee for the sole purpose of soliciting or
198 receiving contributions for any committee. "Solicit" does not include (i)
199 making a contribution that is otherwise permitted under this chapter,
200 (ii) informing any person of a position taken by a candidate for public
201 office or a public official, (iii) notifying the person of any activities of,
202 or contact information for, any candidate for public office, or (iv)
203 serving as a member in any party committee or as an officer of such
204 committee that is not otherwise prohibited in this subdivision.

205 (27) "Bundle" means the forwarding of five or more contributions to
206 a single committee by a communicator lobbyist, an agent of such

207 lobbyist, or a member of the immediate family of such lobbyist, or
208 raising contributions for a committee at a fund-raising affair held by,
209 sponsored by, or hosted by a communicator lobbyist or an agent of
210 such lobbyist, or a member of the immediate family of such lobbyist.

211 (28) "Slate committee" means a political committee formed by two or
212 more candidates for nomination or election to any municipal office in
213 the same town, city or borough, or in a primary for the office of justice
214 of the peace or the position of town committee member, whenever
215 such political committee will serve as the sole funding vehicle for the
216 candidates' campaigns.

217 (29) "Electioneering communication" means any communication
218 that refers to one or more clearly identified candidates and that is
219 broadcast by radio, television or satellite communication or via the
220 Internet, or appears in a newspaper or magazine or on a billboard, on
221 or after January first of the year during which there will be an election
222 for the office that the candidate or candidates are seeking.

223 (30) "Campaign-related disbursement" means (A) an independent
224 expenditure, as defined in section 9-601c, as amended by this act, (B)
225 an electioneering communication, or (C) a covered transfer.

226 (31) "Covered transfer" means any transfer or payment of funds in
227 an aggregate amount of one thousand dollars or more in the two years
228 that follow the initial transfer or payment by an entity covered by the
229 disclosure provisions under this chapter to a recipient who uses such
230 funds to make a campaign-related disbursement or disbursements.

231 (32) "Party building activities" includes, but is not limited to,
232 political meetings, conferences, events and conventions, and any
233 associated expenses.

234 Sec. 2. Section 9-601a of the 2012 supplement to the general statutes
235 is repealed and the following is substituted in lieu thereof (*Effective*
236 *from passage*):

237 (a) As used in this chapter and chapter 157, "contribution" means:

238 (1) Any gift, subscription, loan, advance, payment or deposit of
239 money or anything of value, made for the purpose of influencing the
240 nomination for election, or election, of any person or for the purpose of
241 aiding or promoting the success or defeat of any referendum question
242 or on behalf of any political party;

243 (2) A written contract, promise or agreement to make a contribution
244 for any such purpose;

245 (3) The payment by any person, other than a candidate or
246 [campaign] treasurer, of compensation for the personal services of any
247 other person which are rendered without charge to a committee or
248 candidate for any such purpose;

249 (4) An expenditure that is not an independent expenditure; or

250 (5) Funds received by a committee which are transferred from
251 another committee or other source for any such purpose.

252 (b) As used in this chapter and chapter 157, "contribution" does not
253 mean:

254 (1) A loan of money made in the ordinary course of business by a
255 national or state bank;

256 (2) Any communication made by a corporation, organization or
257 association to its members, owners, stockholders, executive or
258 administrative personnel, or their families;

259 (3) Nonpartisan voter registration and get-out-the-vote campaigns
260 by any corporation, organization or association aimed at its members,
261 owners, stockholders, executive or administrative personnel, or their
262 families;

263 (4) Uncompensated services provided by individuals volunteering
264 their time on behalf of a party committee, political committee, slate
265 committee or candidate committee, including any services provided
266 for the benefit of nonparticipating and participating candidates under

267 the Citizens' Election Program and any unreimbursed travel expenses
268 made by an individual who volunteers the individual's personal
269 services to any such committee. For purposes of this subdivision, an
270 individual is a volunteer if such individual is not receiving
271 compensation for such services regardless of whether such individual
272 received compensation in the past or may receive compensation in the
273 future for such services;

274 (5) The use of real or personal property, and the cost of invitations,
275 food or beverages, voluntarily provided by an individual to a
276 candidate, including a nonparticipating or participating candidate
277 under the Citizens' Election Program, party, political or slate
278 committee, in rendering voluntary personal services at the individual's
279 residential premises or a community room in the individual's
280 residence facility, to the extent that the cumulative value of the
281 invitations, food or beverages provided for any single event by an
282 individual on behalf of any candidate or committee does not exceed
283 four hundred dollars with respect to any calendar year or primary or
284 general election, as the case may be, and does not exceed eight
285 hundred dollars for any such event hosted by two or more individuals,
286 provided at least one such individual owns or resides at the residential
287 premises, and further provided the cumulative value of the invitations,
288 food or beverages provided by an individual on behalf of any such
289 candidate or committee does not exceed eight hundred dollars in any
290 calendar year or single election, as the case may be;

291 (6) The sale of food or beverage for use by a party, political, slate or
292 candidate committee, including those for a participating or
293 nonparticipating candidate, at a discount, if the charge is not less than
294 the cost to the vendor, to the extent that the cumulative value of the
295 discount given to or on behalf of any single candidate committee does
296 not exceed four hundred dollars with respect to any single primary or
297 election, or to or on behalf of any party, political or slate committee,
298 does not exceed six hundred dollars in a calendar year;

299 (7) The display of a lawn sign by a human being or on real property;

300 (8) The payment, by a party committee or slate committee of the
301 costs of preparation, display, mailing or other distribution incurred by
302 the committee or individual with respect to any printed slate card,
303 sample ballot or other printed list containing the names of three or
304 more candidates;

305 (9) The donation of any item of personal property by an individual
306 to a committee for a fund-raising affair, including a tag sale or auction,
307 or the purchase by an individual of any such item at such an affair, to
308 the extent that the cumulative value donated or purchased does not
309 exceed one hundred dollars;

310 (10) (A) The purchase of advertising space which clearly identifies
311 the purchaser, in a program for a fund-raising affair sponsored by the
312 candidate committee of a candidate for an office of a municipality,
313 provided the cumulative purchase of such space does not exceed two
314 hundred fifty dollars from any single such candidate or the candidate's
315 committee with respect to any single election campaign if the
316 purchaser is a business entity or fifty dollars for purchases by any
317 other person;

318 (B) The purchase of advertising space which clearly identifies the
319 purchaser, in a program for a fund-raising affair or on signs at a fund-
320 raising affair sponsored by a town committee, provided the
321 cumulative purchase of such space does not exceed two hundred fifty
322 dollars from any single town committee in any calendar year if the
323 purchaser is a business entity or fifty dollars for purchases by any
324 other person. Notwithstanding the provisions of this subparagraph,
325 the following may not purchase advertising space in a program for a
326 fund-raising affair or on signs at a fund-raising affair sponsored by a
327 town committee: (i) A communicator lobbyist, (ii) a member of the
328 immediate family of a communicator lobbyist, (iii) a state contractor,
329 (iv) a prospective state contractor, or (v) a principal of a state
330 contractor or prospective state contractor. As used in this
331 subparagraph, "state contractor", "prospective state contractor" and
332 "principal of a state contractor or prospective state contractor" have the

333 same meanings as provided in subsection (g) of section 9-612;

334 (11) The payment of money by a candidate to the candidate's
335 candidate committee, provided the committee is for a nonparticipating
336 candidate;

337 (12) The donation of goods or services by a business entity to a
338 committee for a fund-raising affair, including a tag sale or auction, to
339 the extent that the cumulative value donated does not exceed two
340 hundred dollars;

341 (13) The advance of a security deposit by an individual to a
342 telephone company, as defined in section 16-1, for telecommunications
343 service for a committee or to another utility company, such as an
344 electric company, provided the security deposit is refunded to the
345 individual;

346 (14) The provision of facilities, equipment, technical and managerial
347 support, and broadcast time by a community antenna television
348 company, as defined in section 16-1, for community access
349 programming pursuant to section 16-331a, unless (A) the major
350 purpose of providing such facilities, equipment, support and time is to
351 influence the nomination or election of a candidate, or (B) such
352 facilities, equipment, support and time are provided on behalf of a
353 political party;

354 (15) The sale of food or beverage by a town committee to an
355 individual at a town fair, county fair, local festival or similar mass
356 gathering held within the state, to the extent that the cumulative
357 payment made by any one individual for such items does not exceed
358 fifty dollars;

359 (16) An organization expenditure by a party committee, legislative
360 caucus committee or legislative leadership committee;

361 (17) The donation of food or beverage by an individual for
362 consumption at a slate, candidate, political committee or party
363 committee meeting, event or activity that is not a fund-raising affair to

364 the extent that the cumulative value of the food or beverages donated
365 by an individual for a single meeting or event does not exceed fifty
366 dollars; [or]

367 (18) The value associated with the de minimis activity on behalf of a
368 party committee, political committee, slate committee or candidate
369 committee, including for activities including, but not limited to, (A) the
370 creation of electronic or written communications created on a
371 voluntary basis without compensation, including, but not limited to,
372 the creation and ongoing content development and delivery of social
373 media on the Internet or telephone, including, but not limited to, the
374 sending or receiving of electronic mail or messages, (B) the posting or
375 display of a candidate's name or group of candidates' names at a town
376 fair, county fair, local festival or similar mass gathering by a party
377 committee, or (C) the use of personal property or a service that is
378 customarily attendant to the occupancy of a residential dwelling, or
379 the donation of an item or items of personal property that are
380 customarily used for campaign purposes, by an individual, to a
381 candidate committee, provided the cumulative fair market value of
382 such use of personal property or service or items of personal property
383 does not exceed one hundred dollars in the aggregate for any single
384 election or calendar year, as the case may be. For purposes of this
385 subdivision, "social media" means an electronic medium where users
386 may create and view user-generated content, such as uploaded or
387 downloaded videos or still photographs, blogs, video blogs, podcasts
388 or instant messages; or

389 (19) The use of offices, telephones, computers and similar
390 equipment provided by a party committee, legislative caucus
391 committee or legislative leadership committee that serve as
392 headquarters for or are used at headquarters by such party committee,
393 legislative caucus committee or legislative leadership committee.

394 Sec. 3. Section 9-601b of the general statutes is repealed and the
395 following is substituted in lieu thereof (*Effective from passage*):

396 (a) As used in this chapter and chapter 157, the term "expenditure"

397 means:

398 (1) Any purchase, payment, distribution, loan, advance, deposit or
399 gift of money or anything of value, when made for the purpose of
400 influencing the nomination for election, or election, of any person or
401 for the purpose of aiding or promoting the success or defeat of any
402 referendum question or [on behalf] the success or defeat of any
403 political party;

404 (2) Any advertisement that (A) refers to one or more clearly
405 identified candidates, (B) is broadcast by radio or television other than
406 on a public access channel, or appears in a newspaper, magazine or on
407 a billboard, and (C) is broadcast or appears during the ninety-day
408 period preceding the date of a primary or an election, other than a
409 commercial advertisement that refers to an owner, director or officer of
410 a business entity who is also a candidate and that had previously been
411 broadcast or appeared when the owner, director or officer was not a
412 candidate; or

413 (3) The transfer of funds by a committee to another committee.

414 (b) The term "expenditure" does not mean:

415 (1) A loan of money, made in the ordinary course of business, by a
416 state or national bank;

417 (2) A communication made by any corporation, organization or
418 association to its members, owners, stockholders, executive or
419 administrative personnel, or their families;

420 (3) Nonpartisan voter registration and get-out-the-vote campaigns
421 by any corporation, organization or association aimed at its members,
422 owners, stockholders, executive or administrative personnel, or their
423 families;

424 (4) Uncompensated services provided by individuals volunteering
425 their time on behalf of a party committee, political committee, slate
426 committee or candidate committee, including any services provided

427 for the benefit of nonparticipating and participating candidates under
428 the Citizens' Election Program and any unreimbursed travel expenses
429 made by an individual who volunteers the individual's personal
430 services to any such committee. For purposes of this subdivision, an
431 individual is a volunteer if such individual is not receiving
432 compensation for such services regardless of whether such individual
433 received compensation in the past or may receive compensation in the
434 future for such services;

435 (5) Any news story, commentary or editorial distributed through
436 the facilities of any broadcasting station, newspaper, magazine or
437 other periodical, unless such facilities are owned or controlled by any
438 political party, committee or candidate;

439 (6) The use of real or personal property, and the cost of invitations,
440 food or beverages, voluntarily provided by an individual to a
441 candidate or on behalf of a state central or town committee, in
442 rendering voluntary personal services for candidate or party-related
443 activities at the individual's residence, to the extent that the cumulative
444 value of the invitations, food or beverages provided by the individual
445 on behalf of any single candidate for nomination or election does not
446 exceed two hundred dollars with respect to any single election, and on
447 behalf of all state central and town committees does not exceed four
448 hundred dollars in a calendar year;

449 (7) Any unreimbursed payment for travel expenses made by an
450 individual who, on his own behalf, volunteers his personal services to
451 any single candidate to the extent that the cumulative value does not
452 exceed two hundred dollars with respect to any single election, and on
453 behalf of all state or town committees does not exceed four hundred
454 dollars in a calendar year; or

455 (8) An organization expenditure by a party committee, legislative
456 caucus committee or legislative leadership committee.

457 (c) "Expense incurred but not paid" means any receipt of goods or
458 services for which payment is required but not made or a written

459 contract, promise or agreement to make an expenditure.

460 Sec. 4. Section 9-601c of the 2012 supplement to the general statutes
461 is repealed and the following is substituted in lieu thereof (*Effective*
462 *from passage*):

463 (a) As used in this chapter and chapter 157, the term "independent
464 expenditure" means an expenditure, as defined in section 9-601b, as
465 amended by this act, that is made without the consent, coordination, or
466 consultation of, a candidate or agent of the candidate, candidate
467 committee, political committee or party committee.

468 (b) When the State Elections Enforcement Commission evaluates an
469 expenditure to determine whether such expenditure is an independent
470 expenditure, there shall be a rebuttable presumption that the following
471 expenditures are not independent expenditures:

472 (1) An expenditure made by a person in cooperation, consultation or
473 in concert with, at the request, suggestion or direction of, or pursuant
474 to a general or particular understanding with (A) a candidate,
475 candidate committee, political committee or party committee, or (B) a
476 consultant or other agent acting on behalf of a candidate, candidate
477 committee, political committee or party committee;

478 (2) An expenditure made by a person for the production,
479 dissemination, distribution or publication, in whole or in substantial
480 part, of any broadcast or any written, graphic or other form of political
481 advertising or campaign communication prepared by (A) a candidate,
482 candidate committee, political committee or party committee, or (B) a
483 consultant or other agent acting on behalf of a candidate, candidate
484 committee, political committee or party committee;

485 (3) An expenditure made by a person based on information about a
486 candidate's, political committee's, or party committee's plans, projects
487 or needs, provided by (A) a candidate, candidate committee, political
488 committee or party committee, or (B) a consultant or other agent acting
489 on behalf of a candidate, candidate committee, political committee or

490 party committee, with the intent that such expenditure be made;

491 (4) An expenditure made by an individual who, in the same election
492 cycle, is serving or has served as the campaign chairperson,
493 [campaign] treasurer or deputy treasurer of a candidate committee,
494 political committee or party committee benefiting from such
495 expenditure, or in any other executive or policymaking position,
496 including as a member, employee, fundraiser, consultant or other
497 agent, of a candidate, candidate committee, political committee or
498 party committee;

499 (5) An expenditure made by a person whose officer, director,
500 member, employee, fundraiser, consultant or other agent who serves
501 the person in an executive or policymaking position also serves as or
502 has served in the same election cycle as the candidate or the campaign
503 chairperson, [campaign] treasurer or deputy treasurer of a candidate
504 committee, political committee or party committee benefiting from
505 such expenditure, or in any other executive or policymaking position
506 of the candidate committee, political committee or party committee;

507 (6) An expenditure made by a person for fundraising activities (A)
508 with or for a candidate, candidate committee, political committee or
509 party committee, or a consultant or other agent acting on behalf of a
510 candidate, candidate committee, political committee or party
511 committee, or (B) for the solicitation or receipt of contributions on
512 behalf of a candidate, candidate committee, political committee or
513 party committee, or a consultant or other agent acting on behalf of a
514 candidate, candidate committee, political committee or party
515 committee;

516 (7) An expenditure made by a person based on information about a
517 candidate's campaign plans, projects or needs, that is directly or
518 indirectly provided by a candidate, the candidate's candidate
519 committee, a political committee or a party committee, or a consultant
520 or other agent acting on behalf of such candidate, candidate
521 committee, political committee or party committee, to the person
522 making the expenditure or such person's agent, with an express or tacit

523 understanding that such person is considering making the
524 expenditure;

525 (8) An expenditure made by a person for a communication that
526 clearly identifies a candidate during an election campaign, if the
527 person making the expenditure, or such person's agent, has informed
528 the candidate who benefits from the expenditure, that candidate's
529 candidate committee, a political committee or a party committee, or a
530 consultant or other agent acting on behalf of the benefiting candidate
531 or candidate committee, political committee, or party committee,
532 concerning the communication's contents, or of the intended audience,
533 timing, location or mode or frequency of dissemination. As used in this
534 subdivision, a communication clearly identifies a candidate when that
535 communication contains the name, nickname, initials, photograph or
536 drawing of the candidate or an unambiguous reference to that
537 candidate, which includes, but is not limited to, a reference that can
538 only mean that candidate; [and]

539 (9) An expenditure made by a person or an entity for consultant or
540 creative services, including, but not limited to, services related to
541 communications strategy or design or campaign strategy, to be used to
542 promote or oppose a candidate's election to office if the provider of
543 such services is also providing consultant or creative services to such
544 candidate, such candidate's candidate committee, or to any opposing
545 candidate in the same primary or election, or to such opposing
546 candidate's candidate committee. For purposes of this subdivision,
547 communications strategy or design does not include the costs of
548 printing or costs for the use of a medium for the purpose of
549 communications;

550 (10) An expenditure made by a person or an entity to hire a person
551 or entity to provide assistance for campaign organization, financing,
552 accounting, strategy, law, media, telephone banking or polling, and
553 such person worked for the candidate in the same election cycle, but
554 not necessarily at the same time as working for such person or entity,
555 providing the same or similar assistance for such candidate; and

556 (11) An expenditure made with the express or tacit encouragement
557 of the candidate or the candidate's agents by a political committee,
558 group or person who previously served as an operative or consultant
559 for such candidate in the current election cycle or prior election cycle
560 or by any group established or acting with the express or tacit
561 encouragement of the candidate or the candidate's agents.

562 Sec. 5. Subsection (a) of section 9-606 of the 2012 supplement to the
563 general statutes is repealed and the following is substituted in lieu
564 thereof (*Effective from passage*):

565 (a) The [campaign] treasurer of each committee shall be responsible
566 for (1) depositing, receiving and reporting all contributions and other
567 funds in the manner specified in section 9-608, (2) making and
568 reporting expenditures, (3) reporting expenses incurred but not yet
569 paid, (4) filing the statements required under section 9-608, and (5)
570 keeping internal records of each entry made on such statements. The
571 [campaign] treasurer of each committee shall deposit contributions in
572 the committee's designated depository [within fourteen] not later than
573 twenty days after receiving them. The [campaign] treasurer of each
574 political committee or party committee which makes a contribution of
575 goods to another committee shall send written notice to the [campaign]
576 treasurer of the recipient committee before the close of the reporting
577 period during which the contribution was made. The notice shall be
578 signed by the [campaign] treasurer of the committee making the
579 contribution and shall include the full name of such committee, the
580 date on which the contribution was made, a complete description of
581 the contribution and the value of the contribution. Any dispute
582 concerning the information contained in such notice shall be resolved
583 by the [campaign] treasurer of the recipient committee. Such resolution
584 shall not impair in any way the authority of the State Elections
585 Enforcement Commission under section 9-7b, as amended by this act.
586 The [campaign] treasurer of the recipient committee shall preserve
587 each such notice received for the period prescribed by subsection (f) of
588 section 9-607.

589 Sec. 6. Subdivision (1) of subsection (g) of section 9-607 of the
590 general statutes is repealed and the following is substituted in lieu
591 thereof (*Effective from passage*):

592 (g) (1) As used in this subsection, (A) "the lawful purposes of his
593 committee" means: (i) For a candidate committee or exploratory
594 committee, the promoting of the nomination or election of the
595 candidate who established the committee, except that after a political
596 party nominates candidates for election to the offices of Governor and
597 Lieutenant Governor, whose names shall be so placed on the ballot in
598 the election that an elector will cast a single vote for both candidates,
599 as prescribed in section 9-181, a candidate committee established by
600 either such candidate may also promote the election of the other such
601 candidate; (ii) for a political committee, the promoting of a political
602 party, including party-building activities, provided no such activity
603 may be construed as an organization expenditure, the success or defeat
604 of candidates for nomination and election to public office or position
605 subject to the requirements of this chapter, or the success or defeat of
606 referendum questions, provided a political committee formed for a
607 single referendum question shall not promote the success or defeat of
608 any candidate, and provided further a legislative leadership committee
609 or a legislative caucus committee may expend funds to defray costs of
610 its members for conducting legislative or constituency-related business
611 which are not reimbursed or paid by the state; and (iii) for a party
612 committee, the promoting of the party, the candidates of the party and
613 continuing operating costs of the party, and (B) "immediate family"
614 means a spouse or dependent child of a candidate who resides in the
615 candidate's household.

616 Sec. 7. Subsection (a) of section 9-612 of the general statutes is
617 repealed and the following is substituted in lieu thereof (*Effective from*
618 *passage*):

619 (a) No individual shall make a contribution or contributions in any
620 one calendar year in excess of [five] ten thousand dollars to the state
621 central committee of any party, or for the benefit of such committee

622 pursuant to its authorization or request; or [one] five thousand dollars
623 to a town committee of any political party, or for the benefit of such
624 committee pursuant to its authorization or request; or [one] two
625 thousand dollars to a legislative caucus committee or legislative
626 leadership committee, or [seven hundred fifty] one thousand dollars to
627 any other political committee other than (1) a political committee
628 formed solely to aid or promote the success or defeat of a referendum
629 question, (2) an exploratory committee, (3) a political committee
630 established by an organization, or for the benefit of such committee
631 pursuant to its authorization or request, or (4) a political committee
632 formed by a slate of candidates in a primary for the office of justice of
633 the peace of the same town.

634 Sec. 8. Subsection (e) of section 9-612 of the general statutes is
635 repealed and the following is substituted in lieu thereof (*Effective from*
636 *passage, except that disclosure for electioneering communications shall only*
637 *be required for such communications made on or after said date*):

638 (e) (1) Any individual, entity or committee acting alone may make
639 unlimited independent expenditures or electioneering
640 communications. Except as provided in subdivision (2) of this
641 subsection, any such individual, entity or committee that makes or
642 obligates to make an independent expenditure or expenditures or
643 electioneering communication or communications in excess of one
644 thousand dollars, in the aggregate, shall file statements according to
645 the same schedule and in the same manner as is required of a
646 [campaign] treasurer of a candidate committee under section 9-608.

647 (2) Any individual, entity or committee that makes or obligates to
648 make an independent expenditure or expenditures to promote the
649 success or defeat of a candidate for the office of Governor, Lieutenant
650 Governor, Secretary of the State, State Treasurer, State Comptroller,
651 Attorney General, state senator or state representative, or an
652 electioneering communication or communications which [exceeds]
653 exceed one thousand dollars, in the aggregate, during a primary
654 campaign or a general election campaign, as defined in section 9-700,

655 on or after January 1, 2008, shall file a report of such independent
656 expenditure or electioneering communication to the State Elections
657 Enforcement Commission. The report shall be in the same form as
658 statements filed under section 9-608, except that such report shall be
659 filed electronically. If the individual, entity or committee makes or
660 obligates to make such independent expenditure or expenditures or
661 electioneering communication or communications more than ninety
662 days before the day of a primary or election, the individual, entity or
663 committee shall file such report not later than [forty-eight] twenty-four
664 hours after such payment or obligation. If the individual, entity or
665 committee makes or obligates to make such independent expenditure
666 or expenditures or electioneering communication or communications
667 ninety days or less before the day of a primary or election, the person
668 shall file such report not later than [twenty-four] twelve hours after
669 such payment or obligation. The report shall be filed under penalty of
670 false statement.

671 (3) The independent expenditure or electioneering communication
672 report shall (A) (i) in the case of an independent expenditure or
673 expenditures identify the candidate for whom the independent
674 expenditure or expenditures is intended to promote the success or
675 defeat, or (ii) in the case of an electioneering communication or
676 communications, identify the candidate or candidates referred to in
677 such communication or communications, (B) affirm under penalty of
678 false statement that the expenditure is an independent expenditure or
679 that the communication is an electioneering communication, as the
680 case may be, and (C) provide any information that the State Elections
681 Enforcement Commission requires to facilitate compliance with the
682 provisions of this chapter or chapter 157.

683 (4) Any person may file a complaint with the commission upon the
684 belief that (A) any such [independent expenditure] report or statement
685 is false, or (B) any individual, entity or committee that is required to
686 file [an independent expenditure] a report under this subsection has
687 failed to do so. The commission shall make a prompt determination on
688 such a complaint.

689 (5) (A) If an individual, entity or committee fails to file a report
690 required under subdivision (2) of this subsection for an independent
691 expenditure or expenditures or an electioneering communication or
692 communications made or obligated to be made more than ninety days
693 before the day of a primary or election, the person shall be subject to a
694 civil penalty, imposed by the State Elections Enforcement Commission,
695 of not more than five thousand dollars. If an individual, entity or
696 committee fails to file a report required under subdivision (2) of this
697 subsection for an independent expenditure or expenditures or an
698 electioneering communication or communications made or obligated
699 to be made ninety days or less before the day of a primary or election,
700 such individual, entity or committee shall be subject to a civil penalty,
701 imposed by the State Elections Enforcement Commission, of not more
702 than ten thousand dollars. (B) If any such failure is knowing and
703 wilful, the person responsible for the failure shall also be fined not
704 more than five thousand dollars or imprisoned not more than five
705 years, or both.

706 (6) (A) As part of any statement filed pursuant to this subsection, if
707 an entity that engages in independent expenditures or electioneering
708 communications paid for such campaign-related disbursement out of a
709 segregated bank account consisting only of funds donated directly to
710 the account and not transferred to the account by the entity, the entity
711 shall disclose those donors who gave an aggregate of one thousand
712 dollars or more to the account on or after January first of the year
713 during which there will be an election for the office that the candidate
714 who benefited from such expenditures or communications is seeking,
715 the amount of each donation and the aggregate amount given, except
716 as provided for in subparagraph (C) of this subdivision.

717 (B) As part of any statement filed pursuant to this subsection, if an
718 entity that engages in independent expenditures or electioneering
719 communications paid for such campaign-related disbursement out of
720 its general treasury, the entity shall disclose the source of all donations,
721 including dues payments, of one thousand dollars or more to the entity
722 on or after January first of the year during which there will be an

723 election for the office that the candidate who benefited from such
724 expenditures or communications is seeking, the amount of each
725 donation and the aggregate, except as provided for in subparagraph
726 (C) of this subdivision, and excluding any funds received in a
727 commercial transaction or in the form of an investment.

728 (C) If a donor restricts his or her donation to the entity from being
729 used for a campaign-related disbursement, and the entity consents to
730 the restriction and segregates the money into any account not used to
731 make a campaign-related disbursement, the identity of the donor does
732 not have to be disclosed.

733 Sec. 9. Subsection (e) of section 9-613 of the general statutes is
734 repealed and the following is substituted in lieu thereof (*Effective from*
735 *passage*):

736 (e) No political committee organized by a business entity shall make
737 a contribution or contributions to (1) a state central committee of a
738 political party, in excess of [seven] fifteen thousand [five hundred]
739 dollars in any calendar year, (2) a town committee of any political
740 party, in excess of [one] three thousand [five hundred] dollars in any
741 calendar year, (3) an exploratory committee, in excess of three hundred
742 seventy-five dollars, [or] (4) a legislative caucus committee or
743 legislative leadership committee, in excess of four thousand dollars, or
744 (5) any other kind of political committee, in excess of two thousand
745 dollars in any calendar year.

746 Sec. 10. Subsection (d) of section 9-615 of the general statutes is
747 repealed and the following is substituted in lieu thereof (*Effective from*
748 *passage*):

749 (d) No political committee established by an organization shall
750 make contributions in any one calendar year to, or for the benefit of, (1)
751 the state central committee of a political party, in excess of [seven
752 thousand five hundred] fifteen thousand dollars; (2) a town committee,
753 in excess of [one thousand five hundred] three thousand dollars; [or]
754 (3) a legislative caucus committee or legislative leadership committee,

755 in excess of four thousand dollars, or (4) any other political committee,
756 other than an exploratory committee or a committee formed solely to
757 aid or promote the success or defeat of a referendum question, in
758 excess of two thousand dollars.

759 Sec. 11. Subdivision (2) of subsection (b) of section 9-617 of the
760 general statutes is repealed and the following is substituted in lieu
761 thereof (*Effective from passage*):

762 (2) No state central committee shall make a contribution or
763 contributions in any one calendar year to, or for the benefit of (A) a
764 legislative caucus committee or legislative leadership committee, in
765 excess of [ten] twenty thousand dollars, or (B) any other political
766 committee, other than an exploratory committee or a committee
767 formed solely to aid or promote the success or defeat of a referendum
768 question, in excess of [two thousand five hundred] five thousand
769 dollars. No state central committee shall make contributions in excess
770 of three hundred seventy-five dollars to an exploratory committee.

771 Sec. 12. Subsection (a) of section 9-618 of the general statutes is
772 repealed and the following is substituted in lieu thereof (*Effective from*
773 *passage*):

774 (a) A political committee organized for ongoing political activities
775 may make unlimited contributions to, or for the benefit of, any
776 national committee of a political party; or a committee of a candidate
777 for federal or out-of-state office. Except as provided in subdivision (3)
778 of subsection (d) of this section, no [such] legislative caucus committee
779 or legislative leadership committee, shall make a contribution or
780 contributions in excess of four thousand dollars and no other political
781 committee shall make a contribution or contributions in excess of two
782 thousand dollars to another political committee, in any calendar year.
783 No political committee organized for ongoing political activities shall
784 make a contribution in excess of three hundred seventy-five dollars to
785 an exploratory committee. If such an ongoing committee is established
786 by an organization or a business entity, its contributions shall be
787 subject to the limits imposed by sections 9-613 to 9-615, inclusive, as

788 amended by this act. A political committee organized for ongoing
789 political activities may make contributions to a charitable organization
790 which is a tax-exempt organization under Section 501(c)(3) of the
791 Internal Revenue Code, as from time to time amended, or make
792 memorial contributions.

793 Sec. 13. Section 9-621 of the general statutes is repealed and the
794 following is substituted in lieu thereof (*Effective from passage, except that*
795 *disclaimers for electioneering communications shall only be required for such*
796 *communications made on or after said date*):

797 (a) No individual shall make or incur any expenditure with the
798 consent of, in coordination with or in consultation with any candidate,
799 candidate committee or candidate's agent, no group of two or more
800 individuals acting together that receives funds or makes or incurs
801 expenditures not exceeding one thousand dollars in the aggregate and
802 has not formed a political committee shall make or incur any
803 expenditure, and no candidate or committee shall make or incur any
804 expenditure including an organization expenditure for a party
805 candidate listing, as defined in subparagraph (A) of subdivision (25) of
806 section 9-601, as amended by this act, for any written, typed or other
807 printed communication, or any web-based, written communication,
808 which promotes the success or defeat of any candidate's campaign for
809 nomination at a primary or election or promotes or opposes any
810 political party or solicits funds to benefit any political party or
811 committee unless such communication bears upon its face as a
812 disclaimer (1) the words "paid for by" and the following: (A) In the
813 case of such an individual, the name and address of such individual;
814 (B) in the case of a committee other than a party committee, the name
815 of the committee and its [campaign] treasurer; (C) in the case of a party
816 committee, the name of the committee; or (D) in the case of a group of
817 two or more individuals that receives funds or makes or incurs
818 expenditures not exceeding one thousand dollars in the aggregate and
819 has not formed a political committee, the name of the group and the
820 name and address of its agent, and (2) the words "approved by" and
821 the following: (A) In the case of an individual, group or committee

822 other than a candidate committee making or incurring an expenditure
823 with the consent of, in coordination with or in consultation with any
824 candidate, candidate committee or candidate's agent, the name of the
825 candidate; or (B) in the case of a candidate committee, the name of the
826 candidate.

827 (b) In addition to the requirements of subsection (a) of this section:

828 (1) No candidate or candidate committee or exploratory committee
829 established by a candidate shall make or incur any expenditure for
830 television advertising or Internet video advertising, which promotes
831 the success of such candidate's campaign for nomination at a primary
832 or election or the defeat of another candidate's campaign for
833 nomination at a primary or election, unless, as a disclaimer, (A) at the
834 end of such advertising there appears simultaneously, for a period of
835 not less than four seconds, (i) a clearly identifiable photographic or
836 similar image of the candidate making such expenditure, (ii) a clearly
837 readable printed statement identifying such candidate, and indicating
838 that such candidate has approved the advertising, and (iii) a
839 simultaneous, personal audio message, in the following form: "I am
840 (candidate's name) and I approved this message", and (B) the
841 candidate's name and image appear in, and the candidate's voice is
842 contained in, the narrative of the advertising, before the end of such
843 advertising;

844 (2) No candidate or candidate committee or exploratory committee
845 established by a candidate shall make or incur any expenditure for
846 radio advertising or Internet audio advertising, which promotes the
847 success of such candidate's campaign for nomination at a primary or
848 election or the defeat of another candidate's campaign for nomination
849 at a primary or election, unless, as a disclaimer, (A) the advertising
850 ends with a personal audio statement by the candidate making such
851 expenditure (i) identifying such candidate and the office such
852 candidate is seeking, and (ii) indicating that such candidate has
853 approved the advertising in the following form: "I am (candidate's
854 name) and I approved this message", and (B) the candidate's name and

855 voice are contained in the narrative of the advertising, before the end
856 of such advertising; and

857 (3) No candidate or candidate committee or exploratory committee
858 established by a candidate shall make or incur any expenditure for
859 automated telephone calls which promote the success of such
860 candidate's campaign for nomination at a primary or election or the
861 defeat of another candidate's campaign for nomination at a primary or
862 election, unless the candidate's name and voice are contained in the
863 narrative of the call, before the end of such call.

864 (c) No business entity, organization, association, committee, or
865 group of two or more individuals who have joined solely to promote
866 the success or defeat of a referendum question shall make or incur any
867 expenditure for any written, typed or other printed communication
868 which promotes the success or defeat of any referendum question
869 unless such communication bears upon its face, as a disclaimer, the
870 words "paid for by" and the following: (1) In the case of a business
871 entity, organization or association, the name of the business entity,
872 organization or association and the name of its chief executive officer
873 or equivalent and a list of the top five donors whose donations are not
874 excluded from disclosure under subparagraph (C) of subdivision (6) of
875 subsection (e) of section 9-612, as amended by this act, and an address
876 to a web site that lists all donors subject to disclosure under said
877 section 9-612 and such donors' addresses; (2) in the case of a political
878 committee, the name of the committee and the name of its [campaign]
879 treasurer; (3) in the case of a party committee, the name of the
880 committee; or (4) in the case of such a group of two or more
881 individuals, the name of the group and the name and address of its
882 agent.

883 (d) The provisions of subsections (a), (b) and (c) of this section do
884 not apply to (1) any editorial, news story, or commentary published in
885 any newspaper, magazine or journal on its own behalf and upon its
886 own responsibility and for which it does not charge or receive any
887 compensation whatsoever, (2) any banner, (3) political paraphernalia

888 including pins, buttons, badges, emblems, hats, bumper stickers or
889 other similar materials, or (4) signs with a surface area of not more
890 than thirty-two square feet.

891 (e) The [campaign] treasurer of a candidate committee which
892 sponsors any written, typed or other printed communication for the
893 purpose of raising funds to eliminate a campaign deficit of that
894 committee shall include in such communication a statement that the
895 funds are sought to eliminate such a deficit.

896 (f) The [campaign] treasurer of an exploratory committee or
897 candidate committee established by a candidate for nomination or
898 election to the office of Treasurer which committee sponsors any
899 written, typed or other printed communication for the purpose of
900 raising funds shall include in such communication a statement
901 concerning the prohibitions set forth in subsection (n) of section 1-84,
902 subsection (f) of section 9-612 and subsection (f) of section 9-613.

903 (g) In the event a [campaign] treasurer of a candidate committee is
904 replaced pursuant to subsection (c) of section 9-602, nothing in this
905 section shall be construed to prohibit the candidate committee from
906 distributing any printed communication subject to the provisions of
907 this section that has already been printed or otherwise produced, even
908 though such communication does not accurately designate the
909 successor [campaign] treasurer of such candidate committee.

910 (h) (1) No entity shall make or incur an independent expenditure for
911 any written, typed or other printed communication, or any web-based,
912 written communication, that promotes the success or defeat of any
913 candidate for nomination or election or promotes or opposes any
914 political party or solicits funds to benefit any political party or
915 committee, unless such communication bears upon its face, as a
916 disclaimer, the words "Paid for by" and the name of the entity, the
917 name of its chief executive officer or equivalent, and its principal
918 business address and the words "This message was made independent
919 of any candidate or political party.". In the case of an entity making or
920 incurring such an independent expenditure, which entity is a tax-

921 exempt organization under Section 501(c) of the Internal Revenue
922 Code of 1986, or any subsequent corresponding internal revenue code
923 of the United States, as amended from time to time, or an incorporated
924 tax-exempt political organization organized under Section 527 of said
925 code, such communication shall also bear upon its face the words "Top
926 Five Contributors" followed by a list of the five persons or entities
927 making the largest contributions to such organization during the
928 twelve-month period before the date of such communication.

929 (2) In addition to the requirements of subdivision (1) of this
930 subsection, no entity shall make or incur an independent expenditure
931 for television advertising or Internet video advertising, that promotes
932 the success or defeat of any candidate for nomination or election or
933 promotes or opposes any political party or solicits funds to benefit any
934 political party or committee, unless at the end of such advertising there
935 appears simultaneously, for a period of not less than four seconds as a
936 disclaimer, (A) a clearly identifiable video, photographic or similar
937 image of the entity's chief executive officer or equivalent, and (B) a
938 personal audio message, in the following form: "I am (name of
939 entity's chief executive officer or equivalent), (title) of (entity).
940 This message was made independent of any candidate or political
941 party, and I approved its content.". In the case of an entity making or
942 incurring such an independent expenditure, which entity is a tax-
943 exempt organization under Section 501(c) of the Internal Revenue
944 Code of 1986, or any subsequent corresponding internal revenue code
945 of the United States, as amended from time to time, or an incorporated
946 tax-exempt political organization organized under Section 527 of said
947 code, such advertising shall also include a written message in the
948 following form: "The top five contributors to the organization
949 responsible for this advertisement are" followed by a list of the five
950 persons or entities making the largest contributions during the twelve-
951 month period before the date of such advertisement.

952 (3) In addition to the requirements of subdivision (1) of this
953 subsection, no entity shall make or incur an independent expenditure
954 for radio advertising or Internet audio advertising, that promotes the

955 election or defeat of any candidate for nomination or election or
956 promotes or opposes any political party or solicits funds to benefit any
957 political party or committee, unless the advertising ends with a
958 disclaimer that is a personal audio statement by the entity's chief
959 executive officer or equivalent (A) identifying the entity paying for the
960 expenditure, and (B) indicating that the message was made
961 independent of any candidate or political party, using the following
962 form: "I am (name of entity's chief executive officer or equivalent),
963 (title), of (entity). This message was made independent of any
964 candidate or political party, and I approved its content.". In the case of
965 an entity making or incurring such an independent expenditure, which
966 entity is a tax-exempt organization under Section 501(c) of the Internal
967 Revenue Code of 1986, or any subsequent corresponding internal
968 revenue code of the United States, as amended from time to time, or an
969 incorporated tax-exempt political organization organized under
970 Section 527 of said code, such advertising shall also include (i) an
971 audio message in the following form: "The top five contributors to the
972 organization responsible for this advertisement are" followed by a list
973 of the five persons or entities making the largest contributions during
974 the twelve-month period before the date of such advertisement, or (ii)
975 in the case of such an advertisement that is thirty seconds in duration
976 or shorter, an audio message providing a web site address that lists
977 such five persons or entities. In such case, the organization shall
978 establish and maintain such a web site with such listing for the entire
979 period during which such organization makes such advertisement.

980 (4) In addition to the requirements of subdivision (1) of this
981 subsection, no entity shall make or incur an independent expenditure
982 for automated telephone calls that promote the election or defeat of
983 any candidate for nomination or election or promotes or opposes any
984 political party or solicits funds to benefit any political party or
985 committee, unless the narrative of the telephone call identifies the
986 entity making the expenditure and its chief executive officer or
987 equivalent. In the case of an entity making or incurring such an
988 independent expenditure, which entity is a tax-exempt organization
989 under Section 501(c) of the Internal Revenue Code of 1986, or any

990 subsequent corresponding internal revenue code of the United States,
991 as amended from time to time, or an incorporated tax-exempt political
992 organization organized under Section 527 of said code, such narrative
993 shall also include an audio message in the following form: "The top
994 five contributors to the organization responsible for this telephone call
995 are" followed by a list of the five persons or entities making the largest
996 contributions during the twelve-month period before the date of such
997 telephone call.

998 (i) (1) No individual or entity shall make an electioneering
999 communication that is an audio broadcast by radio, Internet or
1000 satellite, unless, as a disclaimer, the communication ends with an
1001 audio statement that has the words "paid for by" and the following: (A)
1002 In the case of an individual, the name and address of such individual;
1003 and (B) in all other cases, (i) the top five donors to the entity making
1004 such communication whose donations are not excluded from
1005 disclosure under subparagraph (C) of subdivision (6) of subsection (e)
1006 of section 9-612, as amended by this act, and (ii) an address to a web
1007 site that lists all donors subject to disclosure under said section 9-612
1008 and such donors' addresses.

1009 (2) No individual or entity shall make an electioneering
1010 communication that is a video broadcast by television, Internet or
1011 satellite, unless, as a disclaimer, the communication ends with a clearly
1012 visible statement for a period of not less than four seconds that has the
1013 words "paid for by" and the following: (A) In the case of an individual,
1014 the name and address of such individual; and (B) in all other cases, (i)
1015 the top five donors to the entity making such communication whose
1016 donations are not excluded from disclosure under subparagraph (C) of
1017 subdivision (6) of subsection (e) of section 9-612, as amended by this
1018 act, and (ii) an address to a web site that lists all donors subject to
1019 disclosure under said section 9-612 and such donors' addresses.

1020 (3) No individual or entity shall make an electioneering
1021 communication that appears in a newspaper or magazine or on a
1022 billboard unless, as a disclaimer, such communication bears upon its

1023 face the words "paid for by" and the following: (A) In the case of an
1024 individual, the name and address of such individual; and (B) in all
1025 other cases, (i) the top five donors to the entity making such
1026 communication whose donations are not excluded from disclosure
1027 under subparagraph (C) of subdivision (6) of subsection (e) of section
1028 9-612, as amended by this act, and (ii) an address to a web site that lists
1029 all donors subject to disclosure under said section 9-612 and such
1030 donors' addresses.

1031 (j) In any print, television or social media promotion of a slate of
1032 candidates by a party committee, the party committee shall use
1033 appropriate disclaimers pursuant to the provisions of this section for
1034 such promotion, and no individual candidate disclaimers shall be
1035 required. For purposes of this subsection, "social media" has the same
1036 meaning as provided in subsection (b) of section 9-601a, as amended
1037 by this act.

1038 (k) Notwithstanding the provisions of this section, any entity that is
1039 required under the provisions of this section to list or identify donors
1040 or contributors in any disclaimer made in the case of an independent
1041 expenditure or electioneering communication shall list such donors as
1042 individuals. In any case where a donor or contributor is another entity
1043 that made a covered transfer to such entity, then the individual donors
1044 or contributors to the entity making the covered transfer shall also be
1045 listed in any required web site listing, and, if any such individual
1046 donor or contributor is a top five donor or contributor to the entity
1047 making the independent expenditure or electioneering
1048 communication, then such individual donor or contributor shall be
1049 listed as such pursuant to the provisions of this section.

1050 Sec. 14. Section 9-718 of the general statutes is repealed and the
1051 following is substituted in lieu thereof (*Effective from passage*):

1052 (a) Notwithstanding any provision of the general statutes, no party
1053 committee, legislative caucus committee or legislative leadership
1054 committee shall make an organization expenditure for the benefit of a
1055 [participating] candidate or [the] a candidate committee [of a

1056 participating candidate in the Citizens' Election Program] for the office
1057 of state senator in an amount that exceeds [ten] twenty thousand
1058 dollars for the general election campaign.

1059 (b) Notwithstanding any provision of the general statutes, no party
1060 committee, legislative caucus committee or legislative leadership
1061 committee shall make an organization expenditure for the purposes
1062 described in subparagraph (A) of subdivision (25) of section 9-601, as
1063 amended by this act, for the benefit of a [participating] candidate or
1064 [the] a candidate committee [of a participating candidate in the
1065 Citizens' Election Program] for the office of state senator for the
1066 primary campaign.

1067 (c) Notwithstanding any provision of the general statutes, no party
1068 committee, legislative caucus committee or legislative leadership
1069 committee shall make an organization expenditure for the benefit of a
1070 [participating] candidate or [the] a candidate committee [of a
1071 participating candidate in the Citizens' Election Program] for the office
1072 of state representative in an amount that exceeds [three thousand five
1073 hundred] seven thousand dollars for the general election campaign.

1074 (d) Notwithstanding any provision of the general statutes, no party
1075 committee, legislative caucus committee or legislative leadership
1076 committee shall make an organization expenditure for the purposes
1077 described in subparagraph (A) of subdivision (25) of section 9-601, as
1078 amended by this act, for the benefit of a [participating] candidate or
1079 [the] a candidate committee [of a participating candidate in the
1080 Citizens' Election Program] for the office of state representative for the
1081 primary campaign.

1082 Sec. 15. Subsection (a) of section 9-705 of the general statutes is
1083 repealed and the following is substituted in lieu thereof (*Effective from*
1084 *passage*):

1085 (a) (1) The qualified candidate committee of a major party candidate
1086 for the office of Governor who has a primary for nomination to said
1087 office shall be eligible to receive a grant from the Citizens' Election

1088 Fund for the primary campaign in the amount of [one million two
1089 hundred fifty thousand] two million five hundred thousand dollars,
1090 provided, in the case of a primary held in 2014, or thereafter, said
1091 amount shall be adjusted under subsection (d) of this section.

1092 (2) The qualified candidate committee of a candidate for the office of
1093 Governor who has been nominated, or who has qualified to appear on
1094 the election ballot in accordance with the provisions of subpart C of
1095 part III of chapter 153, shall be eligible to receive a grant from the fund
1096 for the general election campaign in the amount of [six] nine million
1097 dollars, provided in the case of an election held in 2014, or thereafter,
1098 said amount shall be adjusted under subsection (d) of this section.

1099 Sec. 16. (NEW) *(Effective from passage, except that disclosure for*
1100 *electioneering communications shall only be required for such*
1101 *communications made on or after said date)* (a) Notwithstanding any
1102 provision of the general statutes, the board of governance, if any, for
1103 any entity incorporated, organized or operating in this state, shall vote
1104 for prior authorization for each expenditure over four thousand dollars
1105 to be used as a campaign-related disbursement. The board shall be
1106 informed of the specific use of the money, including any candidate that
1107 might be the target or beneficiary of an independent expenditure, as
1108 defined in section 9-601c of the general statutes, as amended by this
1109 act, or electioneering communication from such campaign-related
1110 disbursement prior to any such vote. Individual board member votes
1111 and the details of such expenditures shall be disclosed to the public on
1112 the entity's web site not later than forty-eight hours after the vote and
1113 filed electronically with the State Elections Enforcement Commission
1114 under the provisions of section 9-612 of the general statutes, as
1115 amended by this act.

1116 (b) Any such entity required to file a statement under section 9-612
1117 of the general statutes, as amended by this act, after making or
1118 obligating to make an independent expenditure or an electioneering
1119 communication shall do at least one of the following: (1) If the entity
1120 submits regular, periodic reports to its shareholders, members or

1121 donors, on the entity's finances or activities, include in each such
1122 report (A) the identity of the individual making any campaign-related
1123 disbursement and the business address of such individual, (B) the
1124 amount and date of each such disbursement and the identity of the
1125 individual to whom such disbursement was made, (C) the candidate or
1126 candidates or ballot issue to which such disbursements are related, and
1127 (D) the identity of any individual who made a donation in excess of
1128 one thousand dollars to the entity, for any campaign-related
1129 disbursements made by the entity during the period such report
1130 covers, or (2) provide on the entity's web site a link to the entity's filed
1131 disclosure reports under said section 9-612.

1132 Sec. 17. (NEW) (*Effective from passage*) If the State Elections
1133 Enforcement Commission finds that any candidate committee makes
1134 an expenditure, as defined in section 9-601b of the general statutes, as
1135 amended by this act, that is found to be coordinated in a manner not
1136 permissible under the provisions of chapter 155 of the general statutes,
1137 the candidate and treasurer of said committee shall be jointly and
1138 severally liable for paying any penalty levied by the commission under
1139 section 9-7b of the general statutes, as amended by this act. If such
1140 candidate is a participating candidate, the candidate shall return grant
1141 money awarded under chapter 157 of the general statutes to the
1142 Citizens' Election Fund established in section 9-701 of the general
1143 statutes, in an amount determined by the commission.

1144 Sec. 18. (NEW) (*Effective from passage*) Any entity that expends funds
1145 to facilitate the nomination or election or defeat of a candidate, shall
1146 disclose such expenditure as an independent expenditure under the
1147 provisions of section 9-612 of the general statutes, as amended by this
1148 act.

1149 Sec. 19. Subdivision (2) of subsection (a) of section 9-7b of the
1150 general statutes is repealed and the following is substituted in lieu
1151 thereof (*Effective from passage*):

1152 (2) To levy a civil penalty not to exceed (A) two thousand dollars
1153 per offense against any person the commission finds to be in violation

1154 of any provision of chapter 145, part V of chapter 146, part I of chapter
1155 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
1156 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
1157 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-
1158 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-
1159 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-
1160 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand
1161 dollars per offense against any town clerk, registrar of voters, an
1162 appointee or designee of a town clerk or registrar of voters, or any
1163 other election or primary official whom the commission finds to have
1164 failed to discharge a duty imposed by any provision of chapter 146 or
1165 147, (C) two thousand dollars per offense against any person the
1166 commission finds to have (i) improperly voted in any election, primary
1167 or referendum, and (ii) not been legally qualified to vote in such
1168 election, primary or referendum, [or] (D) two thousand dollars per
1169 offense or twice the amount of any improper payment or contribution,
1170 whichever is greater, against any person the commission finds to be in
1171 violation of any provision of chapter 155 or 157, or (E) two times the
1172 amount of any independent expenditure or electioneering
1173 communication that a person or entity fails to disclose or for which the
1174 person or entity fails to include a disclaimer, as provided for under
1175 chapter 155. If such entity can not be held liable under this provision,
1176 then any successor entity or donors to the entity may be held liable.
1177 The commission may levy a civil penalty against any person under
1178 subparagraph (A), (B), (C) or (D) of this subdivision only after giving
1179 the person an opportunity to be heard at a hearing conducted in
1180 accordance with sections 4-176e to 4-184, inclusive. In the case of
1181 failure to pay any such penalty levied pursuant to this subsection
1182 within thirty days of written notice sent by certified or registered mail
1183 to such person, the superior court for the judicial district of Hartford,
1184 on application of the commission, may issue an order requiring such
1185 person to pay the penalty imposed and such court costs, state
1186 marshal's fees and attorney's fees incurred by the commission as the
1187 court may determine. Any civil penalties paid, collected or recovered
1188 under subparagraph (D) of this subdivision for a violation of any

1189 provision of chapter 155 applying to the office of the Treasurer shall be
 1190 deposited on a pro rata basis in any trust funds, as defined in section 3-
 1191 13c, affected by such violation;

1192 Sec. 20. (NEW) (*Effective from passage*) (a) (1) Wherever the term
 1193 "campaign treasurer" is used in the following sections of the general
 1194 statutes, the term "treasurer" shall be substituted in lieu thereof; and (2)
 1195 wherever the term "deputy campaign treasurer" is used in the
 1196 following sections of the general statutes, the term "deputy treasurer"
 1197 shall be substituted in lieu thereof: 9-7b, as amended by this act, 9-602,
 1198 9-604, 9-605, 9-606, as amended by this act, 9-607, as amended by this
 1199 act, 9-608, 9-609, 9-610, 9-612, as amended by this act, 9-614, 9-622, 9-
 1200 623, 9-624, 9-675, 9-700, 9-703, 9-704, 9-706, 9-707, 9-709, 9-711 and 9-
 1201 712.

1202 (b) The Legislative Commissioners' Office shall, in codifying the
 1203 provisions of this section, make such technical, grammatical and
 1204 punctuation changes as are necessary to carry out the purposes of this
 1205 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-601
Sec. 2	<i>from passage</i>	9-601a
Sec. 3	<i>from passage</i>	9-601b
Sec. 4	<i>from passage</i>	9-601c
Sec. 5	<i>from passage</i>	9-606(a)
Sec. 6	<i>from passage</i>	9-607(g)(1)
Sec. 7	<i>from passage</i>	9-612(a)
Sec. 8	<i>from passage, except that disclosure for electioneering communications shall only be required for such communications made on or after said date</i>	9-612(e)
Sec. 9	<i>from passage</i>	9-613(e)
Sec. 10	<i>from passage</i>	9-615(d)

Sec. 11	<i>from passage</i>	9-617(b)(2)
Sec. 12	<i>from passage</i>	9-618(a)
Sec. 13	<i>from passage, except that disclaimers for electioneering communications shall only be required for such communications made on or after said date</i>	9-621
Sec. 14	<i>from passage</i>	9-718
Sec. 15	<i>from passage</i>	9-705(a)
Sec. 16	<i>from passage, except that disclosure for electioneering communications shall only be required for such communications made on or after said date</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	9-7b(a)(2)
Sec. 20	<i>from passage</i>	New section

Statement of Legislative Commissioners:

Added section references to sections 1, 16 and 17 in order to associate existing definitions with new language. In section 13(c) and (i), changed "link to a web site" to "an address to a web site" for accuracy. Added "Notwithstanding" language to section 13(k) to effectuate the committee's intent.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Governmental Accountability, Off.	Citizens' Election Fund - Cost	None	See Below

Municipal Impact: None

Explanation

There is a cost to the State Elections Enforcement Commission associated with increasing the gubernatorial general and primary election grants. The bill increases gubernatorial general election grants by \$3 million, and increases gubernatorial primary election grants by \$1.25 million per grant. These grants would continue to be subject to Consumer Price Index (CPI) adjustments, as required by law.

This cost would first be incurred during the November 2014 statewide elections. Assuming two gubernatorial primary grants are awarded, and two gubernatorial general election grants are awarded, it is estimated that this bill would increase the cost of those Citizens' Election Fund grants by \$8.5 million, from \$14.5 million to \$23 million. The cost of the primary grants, estimated to be \$5 million, could be incurred in either FY 14 or FY 15, depending on when they are awarded. The cost of the gubernatorial grants, estimated to be \$18 million, would be incurred in FY 15.

The bill makes several other changes to campaign finance laws that do not have a fiscal impact.

The Out Years

The impact in FY 15 depends on when the November 2014 gubernatorial primary grants are awarded. The ongoing fiscal impact would continue subject to changes in the Consumer Price Index.

OLR Bill Analysis**sHB 5528*****AN ACT CONCERNING CHANGES TO THE PUBLIC FINANCING ACT AND OTHER ELECTION LAWS.*****SUMMARY:**

This bill modifies state election laws affecting campaign finance, the Citizens' Election Program (CEP), and the State Elections Enforcement Commission (SEEC). Principally, the bill:

1. expands reporting and disclaimer requirements for independent expenditures;
2. defines "electioneering communications," and establishes reporting and disclaimer requirements for them similar to those required for independent expenditures;
3. defines "campaign-related disbursements" and "covered transfers," and establishes reporting requirements for them;
4. for qualified gubernatorial candidates participating in the CEP, increases the primary election grant from \$1.25 million to \$2.5 million and the general election grant from \$6 million to \$9 million (§ 15);
5. raises the limits on various contributions from individuals, political committees (known as PACs), and party committees to other PACs and party committees;
6. extends the restriction on organization expenditures for party candidate listings made to benefit the primary campaign of legislative candidates who participate in the CEP ("participating candidates") to legislative candidates who do not participate in the CEP ("nonparticipating candidates"); and

7. increases the limits on organization expenditures made to benefit the general election campaign of participating legislative candidates and applies them to nonparticipating legislative candidates.

The bill makes conforming changes. Among other things, it conforms the expenditure exemption for volunteer services to the parallel contribution exemption that PA 11-48 made for volunteer services. It thus specifies that the exemption applies when individuals provide volunteer services to party committees, PACs, slate committees, and candidate committees, including those for participating and nonparticipating candidates, and covers all travel expenses a volunteer incurs (§ 3).

Finally, the bill makes technical changes, including replacing the terms “campaign treasurer” with “treasurer” and “deputy campaign treasurer” with “deputy treasurer” throughout the election statutes.

EFFECTIVE DATE: Upon passage, and applicable to reporting and disclosing electioneering communications made on or after that date.

CAMPAIGN FINANCE DEFINITIONS (§§ 1-4 & 6)

State campaign finance laws regulate campaign expenditures and contributions, including who can make or accept them and when. The bill establishes reporting and disclosure requirements for “campaign-related disbursements,” which it defines as (1) independent expenditures, (2) electioneering communications, or (3) covered transfers.

The bill defines “electioneering communication” as any communication that refers to one or more clearly identified candidates on or after January 1st during the election year and that is broadcast by radio, television, satellite, or the Internet, or printed in a newspaper, magazine, or on a billboard.

It defines “covered transfer” as any transfer or payment of funds, by an entity that is required to disclose spending, in an aggregate of

\$1,000 or more in the two years after the initial transfer or payment to a recipient who uses the money to make a campaign-related disbursement.

Existing law defines “independent expenditure” as an expenditure that is made without the consent, coordination, or consultation of a (1) candidate or candidate’s agent, (2) candidate committee, (3) PAC, or (4) party committee. It creates a rebuttable presumption that certain expenditures are not independent expenditures and thus, are coordinated and considered contributions for campaign finance purposes. The bill expands the rebuttable presumption to cover expenditures made:

1. by a person or an entity to hire a person or entity to assist with campaign organization, financing, accounting, strategy, law, media, telephone banking or polling, and the hired person worked for the candidate in the same election cycle, but not necessarily at the same time as working for the person or entity doing the hiring, providing the same or similar assistance for such candidate and
2. with the express or tacit encouragement of the candidate or the candidate’s agents by a political committee, group, or person who previously served as an operative or consultant for a candidate in the current election cycle or prior election cycle or any group established or acting with the express or tacit encouragement of the candidate or the candidate’s agents.

By law, an “entity” is an organization, corporation, cooperative association, limited partnership, professional association, limited liability company, or limited liability partnership, whether organized in this or another state. The bill specifies that entities include both for- and not-for-profit corporations as well as client lobbyists.

The bill expands the definition of “lawful purposes of the committee” for legislative leadership committees’ and PACs’ permissible expenditures (see BACKGROUND). For the former, it

includes spending funds to defray members' costs associated with legislative or constituency-related business that the state does not pay for or reimburse. (Legislative caucus committees may already spend funds for these purposes.) For the latter, it includes promoting a political party, including party-building activities that are expressly exempt from being considered organization expenditures. Under the bill, "party building activities" include political meetings, conferences, events, conventions, and their associated expenses.

BOARD AUTHORIZATIONS FOR CAMPAIGN-RELATED DISBURSEMENTS (§ 16)

The bill requires the governing board, if any, of an entity incorporated, organized, or operating in this state to vote to pre-authorize each campaign-related disbursement it makes over \$4,000. Prior to the vote, the board must be informed of the money's specific use, including whether it may target or benefit a candidate. No later than 48 hours after the vote, the entity must (1) publicly disclose on its website individual board members' votes and details on the expenditure and (2) file the required disclosure report with the SEEC (see REPORTING REQUIREMENTS below).

After making or obligating to make an independent expenditure or electioneering communication, the entity must do at least one of the following:

1. include in any periodic financial or activity report to its shareholders, members, or donors the (a) identity of the individual making any campaign-related disbursement and his or her business address; (b) disbursement's amount, date, and recipient; (c) candidates or ballot issues to which the disbursement is related; and (d) identity of individuals who donated over \$1,000 to the entity for campaign-related disbursements during the period that the report covers or
2. provide a link on the its website to the disclosure reports it has filed with the SEEC.

REPORTING REQUIREMENTS (§ 8)

The bill subjects individuals, entities, and committees making electioneering communications to the same reporting requirements as existing law establishes for those making independent expenditures. It also establishes additional requirements for both.

Existing law requires an individual, entity, or committee that makes or obligates to make an independent expenditure or expenditures exceeding \$1,000 in the aggregate to promote the success or defeat of a statewide office or legislative candidate in a primary or general election campaign to electronically file a report with the SEEC. The report is filed under penalty of false statement, which is a class A misdemeanor. Anyone can file a complaint with the SEEC alleging a false report or statement, or that a report was not filed at all. The SEEC must promptly decide the complaint.

The bill extends this requirement to electioneering communications and requires the report to identify the candidate or candidates to which a communication refers.

Deadlines

The bill changes the deadlines for filing independent expenditure reports and sets the same ones for electioneering communication reports. The individual, entity, or committee must file the report within 24, rather than 48, hours of any independent expenditure or electioneering communication made more than 90 days before the primary or general election. If the expenditure or communication is made 90 days or less before the primary or general election, the report must be filed within 12, rather than 24, hours.

Payments from General Treasury vs. Segregated Bank Account

The bill requires an entity to disclose slightly different information in its reports to the SEEC based on whether it pays for an independent expenditure or electioneering communication from its general treasury or a segregated bank account consisting only of direct donations. In both cases, if a donor restricts his or her donation, and the entity

consents and segregates it into an account not used for campaign-related disbursements, the donor's identity need not be disclosed (i.e., restricted donor).

General Treasury. With certain exceptions, entities that pay for independent expenditures or electioneering communications out of their general treasury must disclose in their reports the sources of all donations, including dues payments, (1) of \$1,000 or more and (2) made on or after January 1st during the year in which there will be an election for the office for which the benefitting candidate is running. The report must disclose the amount of each donation and the aggregate amount given. The entity need not disclose funds received in a commercial transaction or as an investment.

Segregated Account. Entities that pay for independent expenditures or electioneering communications out of a segregated bank account must disclose in their reports (1) donors who gave an aggregate of \$1,000 or more on or after January 1st during the year in which there will be an election for the office for which the benefitting candidate is running, (2) each donation amount, and (3) the aggregate amount given.

DISCLAIMER REQUIREMENTS (§ 13)

By law, printed, video, and audio political communications paid for by people or committees must include certain attributions, which the bill refers to as disclaimers. The bill expands this law to cover electioneering communications.

Generally, it requires individuals making electioneering communications to disclose their name and address (see COMMENT) and entities making them to (1) disclose their top-five unrestricted donors, (2) provide a website listing all unrestricted donors and their addresses, and (3) list their contributors or donors as individuals. The bill does not define "donation" or "donor," but presumably they are not considered "contributions" and thus, not subject to other campaign finance reporting laws.

Table 1 shows the bill's requirements for specified types of electioneering communications.

Table 1: Electioneering Communications Disclaimer Requirements

<i>Type of Electioneering Communication</i>	<i>Disclaimer Requirement</i>
Audio communication broadcast by radio, Internet, or satellite	<p>The communication must end with an audio statement that has the words "paid for by" and:</p> <ol style="list-style-type: none"> for an individual, his or her name and address or in all other cases, (1) the top five donors to the entity making the communication other than donors that restrict their donation from being used for campaign-related disbursement and (2) a website address that lists all donors, including their addresses, that are subject to campaign finance reporting requirements.
Video communication broadcast by television, Internet, or satellite	<p>The communication must end with a clearly visible statement, for at least four seconds, that has the words "paid for by" and:</p> <ol style="list-style-type: none"> for an individual, his or her name and address or in all other cases, (1) the top five donors to the entity making the communication other than donors that restrict their donation from being used for campaign-related disbursement and (2) a website address that lists all donors, including their addresses, that are subject to campaign finance reporting requirements.
Print communication that appears in a newspaper, magazine, or billboard	<p>The communication must bear on its face the words "paid for by" and:</p> <ol style="list-style-type: none"> for an individual, his or her name and address or in all other cases, (1) the top five donors to the entity making the communication other than donors that restrict their donation from being used for campaign-related disbursement and (2) a website address that lists all donors, including their addresses, that are

	subject to campaign finance reporting requirements.
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Disclosing Individual Contributors and Donors

In addition to the requirements in Table 1, the bill requires entities making an independent expenditure or electioneering communication to list their contributors or donors as individuals. If a contributor or donor is another entity that made a covered transfer to the receiving entity, then the individual contributors or donors to the entity making the transfer must be (1) disclosed in the required website listing and (2) listed as top five contributors or donors, if applicable. Under the bill, a “covered transfer” is any transfer or payment of funds, by an entity that is required to disclose spending, in an aggregate of \$1,000 or more in the two years after the initial transfer or payment to a recipient who uses the money to make a campaign-related disbursement.

Slate Promotions

The bill specifies that disclaimers by individual candidates are not required for any print, television, or social media promotion by a party committee for a slate of candidates. Rather, the party committee must use the appropriate disclaimer as required by existing law and the bill. Under the bill, “social media” means an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts, or instant messages.

Groups of Two or More Individuals

Existing law requires groups of two or more individuals acting together that spend up to \$1,000 for a printed communication supporting or opposing a referendum question to include a disclaimer. A business entity, organization, or association must include the words “paid for by,” the name of the chief executive officer, and the name of the entity, organization, or association. The bill additionally requires them to list their top five unrestricted donors and include a website address listing all their unrestricted donors.

CONTRIBUTIONS (§§ 5, 7, & 9 - 12)

Exemptions

The law places limits on contributions made to benefit candidate committees, party committees, and PACs and subjects the contributions to campaign finance reporting requirements. However, it creates exemptions for certain items and services under the definition of contribution. Thus, these items and services need not be reported as contributions.

The bill exempts from the definition of contribution and thus from reporting requirements, the use of offices, telephones, computers, and similar equipment provided by a party, legislative caucus, or legislative leadership committee that serve as headquarters or in the headquarters for the committee. (The bill also eliminates a provision under current law that includes as an “organization expenditure” office equipment provided by such a committee – see EXPENDITURES below.)

Increased Limits

The bill raises limits on certain contributions from individuals, PACs, and party committees to other PACs and party committees, as Tables 2 through 5 show.

Table 2: Individual Contribution Limits

<i>Recipient</i>	<i>Current Law</i>	<i>The Bill</i>
State Central Committee	\$5,000	\$10,000
Town Committee	1,000	5,000
Legislative Leadership or Legislative Caucus Committee	1,000	2,000
Most other PACs (except a referendum PAC, labor PAC, exploratory committee, or slate committee for justice of	750	1,000

the peace in a primary)		
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Table 3: Business PAC and Labor PAC Contribution Limits

<i>Recipient</i>	<i>Current Law</i>	<i>The Bill</i>
State Central Committee	\$7,500	\$15,000
Town Committee	1,500	3,000
Legislative Leadership or Legislative Caucus Committee	2,000	4,000

Table 4: State Central Committee Contribution Limits

<i>Recipient</i>	<i>Current Law</i>	<i>The Bill</i>
Legislative Leadership or Legislative Caucus Committee	\$10,000	\$20,000
Most other PACs (except an exploratory committee or referendum PAC)	2,500	5,000

Table 5: Legislative Leadership and Legislative Caucus Committee Contribution Limits

<i>Recipient</i>	<i>Current Law</i>	<i>The Bill</i>
Any other PAC	\$2,000	\$4,000

Deposits

The bill extends the deadline by which treasurers must deposit contributions into the committee's depository account from no later than 14 days to no later than 20 days after receiving the contribution.

ORGANIZATION EXPENDITURES (§§ 1 & 14)

By law, organization expenditures are made by legislative caucus, legislative leadership, or party committees for the benefit of candidates or their committees. They are not considered campaign contributions, but the law places restrictions and limits on those made to benefit legislative candidates participating in the CEP.

The bill:

1. raises the limits;
2. applies the same restrictions and limits to organization expenditures made to benefit nonparticipating legislative candidates;
3. eliminates one type of organization expenditure (for office equipment); and
4. makes changes to what qualifies as another type of organization expenditure (i.e., party candidate listing).

Restrictions and Limits

For primary campaigns, the law prohibits committees from making organization expenditures for party candidate listings made to benefit participating legislative candidates. The bill places the same restriction on party candidate listings made to benefit the primary campaign of nonparticipating legislative candidates.

For general election campaigns, current law limits the value of allowable organization expenditures to \$10,000 and \$3,500 for participating candidates for state senator and state representative, respectively. The bill raises these limits to \$20,000 and \$7,000, respectively, and applies them to nonparticipating legislative candidates.

Office Equipment

The bill eliminates from the definition of “organization

expenditure” the use of offices, phones, computers, and similar equipment that do not result in an additional cost to the party, legislative caucus, or legislative leadership committee. It instead creates a contribution exemption for similar activities (see CONTRIBUTIONS above). Thus, as noted above, payments for these activities need not be reported.

Party Candidate Listings

By law, a party candidate listing is a communication that identifies one or more candidates and meets several criteria (e.g., distributed through public advertising, mail, or electronic mail). The bill eliminates the current requirement that party candidate listings treat all candidates in the listing substantially similarly. It instead allows these listings to contrast candidates with their opponents.

PENALTIES (§§ 8, 17 & 19)

Reporting Violations

The bill establishes (1) two separate penalties for failure to file an electioneering communication report and (2) an additional penalty for failure to file an independent expenditure report. It is unclear which would apply and under what circumstances (see COMMENT).

First, the bill applies the law’s penalties for failure to file an independent expenditure report to failure to file an electioneering communication report. This means failure to file a report for a communication (1) made more than 90 days before the primary or general election carries a civil penalty of up to \$5,000 and (2) made 90 days or less before the primary or general election carries a civil penalty of up to \$10,000. A knowing and willful failure to file is punishable by an additional fine of up to \$5,000, up to five years in prison, or both.

Next, the bill authorizes the SEEC to levy a civil penalty of up to two times the amount of any independent expenditure or electioneering communication that a person or entity (1) fails to disclose or (2) for which it fails to include a proper disclaimer. It also

authorizes the SEEC to hold any successor entity or donors liable if the entity cannot be held liable.

Joint Liability

The bill makes the candidate and treasurer jointly and severally liable for paying any penalty the SEEC levies if it finds that the candidate committee made a prohibited coordinated expenditure. If the candidate is a participating CEP candidate, he or she must return grant money in an amount that the SEEC determines.

BACKGROUND

Legislative Caucus and Legislative Leadership Committees

By law, a majority of a party's members from one house of the General Assembly can designate a single legislative caucus committee. The House speaker and majority leader and the Senate president pro tempore and majority leader may establish one legislative leadership committee each. The House and Senate minority leaders may establish two each.

COMMENTS

Disclaimer Requirements for Individuals

It appears the bill's disclaimer requirements for individuals may conflict with the U.S. Supreme Court's holding in *McIntyre v. Ohio Elections Commission*, No. 93-986, 63 LW 4279, an Ohio case involving the distribution of anonymous campaign literature. In *McIntyre*, the Court struck down a law that prohibited the preparation and distribution of material that did not contain the name and address of the individual issuing it. It held that the law abridged the First Amendment right of free speech with such a broad prohibition against anonymous leaflets.

Penalties

Under the bill, the SEEC has the authority to levy two separate civil penalties for failure to disclose or file a report for an independent expenditure or electioneering communication. It appears both penalties apply to the same violation.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (03/29/2012)